

One frequently heard argument for the House moratorium of 1 year is the need to establish new procedures for development and review of major regulations. What we need, the reason we have to have this year's waiver, is we need some new approaches. We have to have a cost-benefit analysis and risk assessment. But most major rules already use those tools. There are many regulations that are necessary to protect health, safety, and the environment that have been designed by using cost-benefit analyses and risk assessments. These would be needlessly delayed by the moratorium.

For example, in February, the U.S. Department of Agriculture proposed changes to meat and poultry inspections to prevent life-threatening infections. The science supporting that regulation is not going to be different between now and next year. They are already using risk assessment and cost-benefit analyses. Yet, that rule would be set aside. There is a possibility of more lives being endangered in the interim.

Those on the other side supporting the House measure would say, "Oh, well. Those foods currently represent an imminent threat to health, and the President could, therefore, exempt them from the delay." But that action by the President of the United States could be challenged in court and in the House bill. There is judicial review in the House bill. Thus, they could be held up for a considerable time.

Another major concern with the House bill that has not been discussed here on the floor is the impact of the moratorium on the efforts by the States to carry out the Clean Air Act and other laws. Let me explain. The way the Clean Air Act works is State plans to reduce smog and carbon monoxide pollution must be promulgated as Federal regulations before they become effective. In other words, the State comes up with a plan, files a plan, and the EPA then issues the regulations. But it is the Federal Government that issues the regulations. EPA actually proposes the State plan in the Federal Register.

What the EPA does is take what the States have given them, puts it in the Federal Register, considers comments and then promulgates the State plan as a Federal rule. States have been working for 4 years to develop new plans under the 1990 amendments to the Clean Air Act. Just as they are completing this difficult job, the House bill would impose a year-long recess on their efforts. These are plans, mind you, that are written by the States, and they are going to be delayed.

Now, what is the purpose of all that? The House moratorium is also retroactive. It repeals regulations already in effect only to reinstate them at a later time, a year from now. This is going to cause a lot of confusion in the regulated community and actually can impose some very unfair costs on some industries.

Example: Under the moratorium bill passed by the House, the Clean Air Act program for reformulated gasolines that became effective last January 1 would be suspended, which would cost the oil companies that are complying with this rule tens of millions of dollars as noncomplying gasoline, nonreformulated gasoline would be allowed to enter into the reformulated market areas. Now, perhaps this will surprise some.

By the way, this is not some kookie regulation dreamed up by a bunch of tree huggers from EPA. Reformulated gasoline is a requirement of the Clean Air Act that was added to the law by an amendment on the floor sponsored by the two leaders, the current Democratic and current Republican leader; namely, Senators DOLE and DASCHLE. That came when the Clean Air Act amendments were before the Senate in 1990. The regulation went into effect last January 1. But that is during the period covered by the House moratorium. So the requirement would be suspended.

The oil companies subject to the regulation have built up stocks of millions of gallons of reformulated gasoline to meet the demand in their markets. Information from the Congressional Research Service indicates the oil industry now has 1.85 billion—that is not million, that is billion, B as in billion—gallons of reformulated gasoline in storage right now.

If the House moratorium bill should be enacted, the reformulated gasoline requirement would be suspended and cheaper conventional gasoline could be brought into those markets. The oil companies that are complying with the law could probably still sell their reformulated gasoline. Sure, they could sell it, but they would have to obviously do it at the price of conventional gasoline, which is some 3 cents a gallon less expensive because of the costs that have gone into making the reformulated gasoline. So that will be a loss of about \$55 million—\$55 million—if the House moratorium were enacted.

Mr. President, my vote on the final bill will, of course, depend upon the amendments that might be offered and adopted during the course of this debate. But I did want to join with others to express my grave concerns about the House moratorium bill. Should I vote for this bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is, a year, 6 months, something to that effect, which is quite different from the 45-day delay that is in this legislation here before us.

I thank the Chair.

Mr. NICKLES. Mr. President, I know of no other Senators who wish to speak on this issue. So I will yield back the remainder of our time.

## MORNING BUSINESS

### IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles the energizer bunny on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game, when they go home to campaign about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress, which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of Friday, March 24, at the close of business, the total Federal debt stood—down to the penny—at exactly \$4,846,988,457,046.59 or \$18,399.25 per person.

The lawyers have a Latin expression which they use frequently—"res ipra loquitur"—"the thing speaks for itself." Indeed it does.

### TRIBUTE TO GOVERNOR MIKE O'CALLAGHAN

Mr. REID. Mr. President, today, I rise as a matter of personal privilege to share with the Senate a Nevadan whose life is a role model for all Americans. This man, Mike O'Callaghan, has not only had an impact on me personally, but also the State of Nevada, our country, and many parts of the world. Mike O'Callaghan is a man of unbridled energy who has had an enviable and remarkable career as a war hero, an educator, a public servant, a distinguished State Governor, a newspaper editor and publisher, and a citizen of the world.

I first met Mike O'Callaghan in 1956 when he began teaching U.S. Government classes at Basic High School in Henderson, NV. He had been decorated as a marine in the Korean conflict and was awarded 2 Purple Hearts, a Bronze Star with valor, and a Silver Star for heroism. Unfortunately, he had also lost a leg in battle, but he never used that injury as an excuse.

I learned a lot about government from Mr. O'Callaghan, but I learned more about life. He was my boxing coach, my adviser, my mentor, and my friend. And he was largely responsible for helping me obtain scholarships and personally assisting me with money to go to college.

This was not unusual, for Mr. O'Callaghan took an active interest in all of his students and pushed all of them to do their best. We stood in awe of him, we feared him, and we deeply respected him, and all of us students were better because of him.

While I was away in college and law school, Mike continued working for

others as Las Vegas chief probation officer and as Nevada's first director of health and human services. He also worked in various capacities in the Federal service including being a program management director at Job Corps and also leading region 9 of the Office of Emergency Preparedness, the predecessor to the Federal Emergency Management Agency.

In 1970, as a distinct underdog, he ran for Governor of Nevada and in one of the State's biggest upsets, he was elected chief executive of the State. That same year, I was fortunate to have been elected Lieutenant Governor. Once again, Mike O'Callaghan took me under his wing as my mentor and teacher. He guided the State through turbulent times and provided the kind of leadership that only one of his strength and determination could.

After leaving the Governor's mansion, Mike O'Callaghan returned to the private sector but he never left public life. He became editor of the Las Vegas Sun, and as publisher of the Henderson Home News and the Boulder City News, Governor O'Callaghan has been a staunch advocate for working people, for families, and for the community. He upholds the great principle that "The vital measure of a newspaper is not its size, but its spirit—that is, its responsibility to report the news fully, accurately and fairly."

In addition, Governor O'Callaghan has worked tirelessly to help those in underdeveloped countries to be more democratic and economically viable. He has served as a peace negotiator in Central America, monitored elections in Iraq, and facilitated distribution of food and humanitarian supplies all over the world. Whether it is working with Mosquito Indians in Nicaragua, refugees in Iraq, or impoverished residents of Mexico, Mike O'Callaghan has indeed proven himself to be a citizen of the world, and he has been revered everywhere he has traveled.

But his best work in a foreign land has been his assistance to the people of Israel. From his role as a tank mechanic to his position of cabinet adviser, the people of Israel have always benefited from his involvement.

I am proud to have Mike as my friend and he continues to be my teacher. He and his wife, Carolyn, and their five wonderful children have made Nevada a better place for all of us who live there. They have given much more than they will ever get in return. In fact, Mike O'Callaghan's most noteworthy contribution to me has been the example he has set as a father and grandfather.

On April 2, 1995, Governor O'Callaghan will be honored by Hadasah for his unceasing efforts on behalf of others. I want the entire country to know of Mike's achievement and to join those of us in Nevada in paying tribute to this great leader.

#### MEASURES PLACED ON THE CALENDAR

The following bills, previously received from the House, were read the first and second times by unanimous consent and placed on the calendar:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; and

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-51. A resolution adopted by the Assembly of the Municipality of Florida, Puerto Rico relative to nuclear devices; to the Committee on Energy and Natural Resources.

POM-52. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

#### "LEGISLATIVE RESOLUTION 49

"Whereas, the Clinton Administration and the Congress of the United States are considering proposals to sell the five federal power marketing administrations, including the Western Area Power Administration, in order to fund a tax cut for middle-income Americans; and

"Whereas, Nebraska's publicly-owned electric utilities receive a low-cost hydroelectric power from federal dams operated by the Western Area Power Administration, the University of Nebraska receives approximately eighty percent of its power from the Western Area Power Administration, and the privatization of the Western Area Power Administration will significantly increase wholesale power costs for electric utilities statewide which will result in increased rates for Nebraska ratepayers; and

"Whereas, Nebraska is the only all-public-power state in the nation, with Nebraska's electric utilities offering rates among the lowest ten percent in the nation, and selling the Western Area Power Administration will lessen this rate advantage which will detrimentally impact economic development in Nebraska and will also burden the existing agriculture and business industry in Nebraska, including the fact that a portion of the federal hydropower allocated to Nebraska is specifically designated for irrigation; and

"Whereas, the Nebraska Power Association has estimated that this proposal could cost Nebraska ratepayers more than fifty million dollars annually, the proposal is unnecessary and burdensome, and the ratepayers purchasing electricity through the Western Area Power Administration have repaid a major part of the original investment with interest; now, therefore, be it

*"Resolved by the members of the Ninety-fourth Legislature of Nebraska, first session:*

"1. That the Legislature opposes the sale, transfer, exchange, lease, or other disposition of the Western Area Power Administration due to the significant fiscal impact such a sale would have on Nebraska ratepayers.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the

Speaker of the United States House of Representatives, and to the members of the Nebraska delegation to the Congress of the United States."

POM-53. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Energy and Natural Resources.

#### "ENROLLED JOINT RESOLUTION NO. 3, SENATE

"Whereas, the Federal Energy Regulatory Commission has prepared an environmental impact statement analysis for the Altamont Natural Gas Pipeline; and

"Whereas, the Altamont Natural Gas Pipeline will have a significant adverse economic impact upon the employment and service-related sectors of certain areas of the state of Wyoming; and

"Whereas, the adverse economic impact will affect local, county and Wyoming state government; and

"Whereas, the Altamont Natural Gas Pipeline will also have an adverse effect upon natural gas producers in this state since the pipeline will carry natural gas produced in Canada and will carry such gas into an already declining market; and

"Whereas, the pipeline may have adverse impacts upon historical resources in South Pass; Now, therefore, be it

*"Resolved by the members of the Legislature of the State of Wyoming:*

"Section 1. That Congress direct the Federal Energy Regulatory Commission to reconsider in its final environmental impact statement the socioeconomic impacts arising from construction of the pipeline and the adverse economic impacts and resultant effects upon the employment, government and natural gas industry in this state caused by importation of natural gas from Canada.

"Section 2. That Congress direct the Secretary of the Interior to prevent issuance by the Bureau of Land management of the required right-of-way grant across public lands in Wyoming until the Federal Energy Regulatory Commission has completed reconsideration of the socioeconomic impacts of the project.

"Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior and to the Wyoming Congressional Delegation."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 226. A bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes (Rept. No. 104-19).

S. 444. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes (Rept. No. 104-20).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated: